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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

U.S. COMMODITY FUTURES TRADING
 COMMISSION et al.,

Plaintiffs,

vs.

NATIONAL INVESTMENT
 CONSULTANTS, INC., at al.,

Defendants,

and

THERESA C. WONG, an individual,

Relief Defendant.

Case No.: 05-cv-02641-JSW

**ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED**

Pursuant to Local Rule 3-12, Mei-Fang Lisa Zhang, Bay Area Affordable Housing LLC,
 Xue-Huan Gao, Yang-Chun Zhang, Carol Jian Deng, and Hao Liang move this Court for an

1 order stating that this case is related to another action they recently filed in this Court and in
2 support thereof, state as follows:

3 1. On September 24, 2007, Mei-Fang Lisa Zhang, Bay Area Affordable Housing
4 LLC, Xue-Huan Gao, Yang-Chun Zhang, Carol Jian Deng, and Hao Liang filed an action in this
5 Court captioned *Mei-Fang Lisa Zhang et al. v. Wei-Man Raymond Tse et al.*, No. C 07-04946
6 WHA. The case has been assigned to Judge Alsup. *Zhang v. Tse* is an action, both in law and in
7 equity, brought by victims of commodities fraud under the Racketeer Influenced Corrupt
8 Organization Act (“RICO”) and the Commodity Exchange Act (“CEA”). In their Complaint,
9 Plaintiffs in that case state that they are individuals who invested large sums of money with
10 Defendants for foreign currency futures trading, but Defendants’ businesses were wholly
11 fraudulent, and Defendants stole Plaintiffs’ investments.

12 2. On June 28, 2005, the U.S. Commodity Futures Trading Commission and the
13 Commissioner of Corporations for the State of California filed this action (the “CFTC Action”)
14 against many of the Defendants named in *Zhang v. Tse* seeking injunctive and other equitable
15 relief under the CEA and California Corporations Code Sections 29250 and 29536. The CFTC
16 Action Complaint alleged that the defendants in this case engaged in commodities fraud,
17 including misrepresentations and sale of illegal off-exchange futures contracts.

18 3. The CFTC and State of California ultimately settled with the defendants in this
19 case, and the defendants consented to the entry of a Consent Order of Permanent Injunction and
20 Other Equitable Relief Against Defendants Pacific Best Group Ltd., National Investment
21 Consultants, Inc., Wei Man Tse, Run Ping Zhou, Yi Kerry Xu, and Relief Defendant Theresa
22 Wong (“Consent Order”). The Court entered the Consent Order on September 1, 2006.

23 4. Plaintiffs in *Zhang v. Tse* are victims of the conduct alleged in the CFTC Action.

24 5. Defendants in *Zhang v. Tse* include South China Investment Inc., Pacific Best
25 Group Ltd. (a.k.a. Pacific Best Company Ltd.), Wei-Man Raymond Tse, Run Ping Zhou (a.k.a.
26 Flora Zhou), Theresa Wong, all of whom were also defendants in the CFTC Action.

27 6. Therefore, in *Zhang v. Tse* and the CFTC Action concern substantially the same
28 parties.

